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\*\*\*SENIOR COUNSEL

January 7, 2002

WRITER'S DIRECT NUMBER: (202) 371-2544
INTERNET ADDRESS:
MCIMBALA@SKGF.COM

Commissioner for Patents Washington, D.C. 20231

**Box Missing Parts** 

Re: U.S. Utility Patent Application

Appl. No. 09/943,084;/Filed: August 31, 2001

For: Prolonged Delivery of Peptides

Inventors: Kim et al.

Our Ref: 165

1658.0020003/MAC/MBT

Sir:

In reply to the Notice to File Missing Parts of Application--Filing Date Granted and Notice to Comply with Sequence Rules dated **October 5, 2001**, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- 1. Fee Transmittal Form (PTO/SB/17) (in duplicate);
- 2. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1) (in duplicate);
- 3. Copy of the Notice to File Missing Parts;
- 4. Request to Open a New Disk File
- 5. An original executed Power of Attorney from Assignee;
- 6. Certificate Under 37 C.F.R. § 3.73(b);
- 7. One (1) return postcard;

Commissioner for Patents January 7, 2002 Page 2

- 8. Our Check No. 33758 for \$1,916.00 to cover: \$ 740.00 Filing Fee for Patent Application (37 C.F.R. § 1.16); and \$1,176.00 Fee for Excess Claims (37 C.F.R. § 1.16); and
- 9. Our Check No. 33761 for \$240.00 to cover: \$110.00 Extension Fee Under 37 C.F.R. § 1.136; and \$130.00 Late Surcharge for Filing Fee.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michele A. Cimbala Attorney for Applicants

herolas A. Cimilas

Registration No. 33,851

MAC/MBT/lam Enclosures

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# IN THE UNITAIN STRATES PATENT AND TRADEMARK OFFICE

In re application of:

Kim, et al.

Appl. No. 09/943,084

Filed: August 31, 2001

For:

**Prolonged Delivery of Peptides** 

JAN 0 7 2002

Confirmation No. 7681

Art Unit:

1646

Examiner:

To Be Assigned

Atty. Docket: 1658.0020003/MAC/MBT

# Request to Open New Disk File

Commissioner for Patents Washington, D.C. 20231

Sir:

Applicants request that a new disk file be opened for the above-cited application.

The Sequence Listing disk submitted on July 1, 1994 in the parent, Application No.

08/181,655, filed January 25, 1994 contains the identical sequence information as that in the present application and contains no new matter.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Turibus A. Cinhas

Michele A. Cimbala

Attorney for Applicants

Registration No.33,851

Date: January 7, 2002 1100 New York Avenue, N.W. Suite 600 Washington, D.C. 20005-3934 (202) 371-2600

P:\USERS\MTUNG\1658\0020003\sequence listing



### United States Patent and Trademark Office

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231 www.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/943,084

08/31/2001

Yesook Kim

1658.0020003/MAC/SE

CONFIRMATION NO. 7681

Date Mailed: 10/05/2001

**FORMALITIES LETTER** 

\*OC000000006859406\*

26111 STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W., SUITE 600 WASHINGTON, DC 20005-3934

# IOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1144.
  - \$504 for 28 total claims over 20.
  - \$640 for 8 independent claims over 3.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1984.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and. where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 1955). 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no news matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. 置 Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieugh of a new CRF

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For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PTO/SB/17 (10-01)
Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

for F	YSMITTAL IPE CONTROL OF 1 2002 Bect to annual revision JAN 0 1 2002
TOTAL AMOUNT OF PAYMENT	(\$)2,156.00 TO ADEMARK

	Complete if Known		
	Application Number	09/943,084	
	Filing Date	August 31, 2001	
	First Named Inventor	Yesook Kim	
	Examiner Name	To be assigned	
	Group Art Unit	To be assigned	
	Attorney Docket No.	1658.0020003/MAC/MBT	

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)							
			IONAL Entity		Entity				
Deposit Account Number	0036	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee D	escription	Fee paid	
Deposit Account Name	rne, Kessler, Goldstein & Fox P.L.L.C.	105	130	205	65	Surcharge - late filing f	ee or oath	130.00	
		127	50	227	25	Surcharge - late provisional	al filing fee or cover sheet		
Charge Any Addi Under 37 CFR §	139	130	139	130	Non-English specific	cation			
☐ Applicant claims small entity status			2,520	147	2,520	For filing a request fo	or filing a request for ex parte reexamination		
See 37 CFR 1.27		112	920*	112	920*	Requesting publication of action	er i		
2. Payment Enclose	ed:	113	1,840*	113	1,840*	Requesting publication of	of SIR after Examiner a	action	
☐ Check ☐ Credit card ☐ Money Order ☒ Other*  *Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.			110	215	55	Extension for reply w	ithin first month	110.00	
	EE CALCULATION	116	400	216	200	Extension for reply w	ithin second month	'	
1. BASIC FILING FEE	<u> </u>	117	920	217	460	Extension for reply w	ithin third month		
Large Entity Small E	Entity	118	1,440	218	720	Extension for reply w	ithin fourth month		
Fee Fee Fee Fode (	Fee Fee Description Fee Paid (\$)	128	1,960	228	980	Extension for reply w	ithin fifth month		
101 740 201 3	370 Utility filing fee <u>740.00</u>	119	320	219	160	Notice of Appeal			
106 330 206 1	165 Design filing fee	120	320	220	160	Filing a brief in suppo	ng a brief in support of an appeal		
107 510 207 2	255 Plant filing fee	121	280	221	140	Request for oral hea	et for oral hearing		
108 740 208 3	370 Reissue filing fee	138	1,510	138	1,510	Petition to institute a	public use proceed	ling	
114 160 214	80 Provisional filing fee	140	110	240	55	Petition to revive - ur	navoidable		
SUBTOTAL (1) (\$) 740.00			1,280	241	640	Petition to revive - ur	on to revive - unintentional		
			1,280	242	640	Utility issue fee (or re			
			460	243	230	Design issue fee			
		144	620	244	310	Plant issue fee			
		122	130	122	130	Petitions to the Com	missioner		
2. EXTRA CLAIM FEE	S Fee from Extra below Fee Paid	123	130	123	130	Petitions related to p	rovisional application	ons	
Total Claims 48 20		126	180	126	180	Submission of Inform	nation Disclosure S	tmt	
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Multiple Dependent 0 = 0.00			740	246		(37 CFR 1.129(a))	ling a submission after final rejection		
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110 18 210. 9	Other fee (specify):								
SUBT	*Reduced b	*Reduced by Basic Filing Fee Paid							
	d, if greater; For Reissues, see above	<u> </u>	SUBTOTAL (3) (\$) 240.00						
SUBMITTED BY					<u> </u>	Complete (if app			
Name (Print/Type)		Registration No. (Attorney/Agent) 33,85			33,851	Telephone	202-371-2600		
Signature					<u> </u>	Date	Jan. 7, 2002		